

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**YATRAM INDERGIT, on behalf of himself
and all others similarly situated,**

Plaintiff,

08 CV 9361 (PGG)

v.

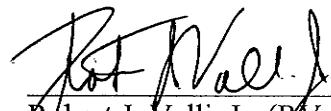
**RITE AID CORPORATION, RITE AID OF
NEW YORK, INC. and FRANCIS
OFFOR as Aider & Abettor,
Defendants.**

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Affirmation of James Vagnini, Dated April 13, 2009, the Exhibits to that Affirmation and the accompanying Memorandum of Law in Support of Plaintiff's Motion for Preliminary Certification, the undersigned will move this Court before the Honorable Judge Gardephe at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order, pursuant to the Fair Labor Standards Act (FLSA) 29 U.S.C. §216(b):

- (1) Conditionally certifying this suit as a collective action;
- (2) Authorizing Plaintiffs to send a Notice of this action along with a Consent Form (opt-in form) to all Covered Management currently and/or formerly employed by Defendants within the last three years;
- (3) Ordering Defendants to produce, in a computer readable manner, the names, last known mailing addresses, alternate addresses, all telephone numbers, last known email addresses, social security numbers, and dates of employment of all Covered Management; and
- (4) Ordering Defendant to post the Notice and/or deliver a memo, along with the Consent forms, in a place where Management are likely to view it in all stores owned and/or operated by Defendants.

April 13, 2009



Robert J. Valli, Jr. (BV-9995)
Valli Kane & Vagnini, LLP
Attorneys for Plaintiff
600 Old Country Road, Suite 519
Garden City, New York 11530
(516) 203-7180